

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

LAURA SEIDL, derivatively on behalf of the)	
Nominal defendant with respect to its series)	
mutual fund, the American Century Ultra Fund)	
)	
Plaintiff,)	
v.)	Case No. 10-cv-4152 (GAF)
)	
AMERICAN CENTURY COMPANIES, INC.;)	
AMERICAN CENTURY INVESTMENT)	
MANAGEMENT, INC.; JAMES E. STOWERS,)	
JR.; JAMES E. STOWERS, III; JONATHAN S.)	
THOMAS; THOMAS A. BROWN; ANDREA C.)	
HALL; DONALD H. PRATT; GALE E. SAYERS;)	
M. JEANNINE STRANDJORD; TIMOTHY S.)	
WEBSTER; WILLIAM M. LYONS; MARK)	
MALLON, WADE SLOME, BRUCE WIMBERLY)	
And JERRY SULLIVAN)	
)	
Defendants,)	
- and -)	
)	
AMERICAN CENTURY MUTUAL FUNDS, INC.,))	
DOING BUSINESS AS AMERICAN CENTURY)	
ULTRA FUND,)	
)	
Nominal Defendant.)	

**UNOPPOSED MOTION FOR STAY
AND SUGGESTIONS IN SUPPORT THEREOF**

Defendants and Nominal Defendant move the Court for an Order staying all proceedings in this litigation until February 18, 2011, or until a response is provided to Plaintiff with respect to her demand, whichever is earlier, with the parties to confer and report to the Court on any proposed further proceedings in the litigation within 30 days of the termination of the stay. Plaintiff does not oppose the requested stay. In support of this motion, Defendants and Nominal Defendants state as follows:

1. The parties previously submitted to the Court a Stipulation and [Proposed] Order Regarding Service of Process and Adjourning Time for Defendants to Answer or Move, which, among other things, provided that Defendants and Nominal Defendant might have until September 30, 2010 in which to submit their Answer or other responsive pleadings. The Court subsequently approved an extension of such date to October 30, 2010, the date when a proposed Scheduling Order would also be due. (Docs. 11-13.)

2. In her Complaint in this case, filed on July 15, 2010, Plaintiff seeks to assert derivative claims on behalf of American Century Mutual Funds, Inc., doing business as American Century Ultra Fund (“Fund”). Plaintiff served a demand letter relating to such claims dated June 28, 2010 on the Board of Directors of American Century Mutual Funds, Inc.

3. The Board of Directors of American Century Mutual Funds, Inc. has appointed a Special Litigation Committee to investigate Plaintiff’s demand and to make a recommendation to the Board as to a response to the demand and any actions that should be taken on behalf of the Fund. The Special Litigation Committee has engaged the law firm of Gibson, Dunn & Crutcher, LLP to assist it in connection with its work, and the Committee’s investigation is underway.

4. Defendants and Nominal Defendant request that the litigation be stayed for a reasonable period of time for the Special Litigation Committee and the Board of Directors of American Century Mutual Funds, Inc. to complete their work and respond to Plaintiff’s demand. Accordingly, they request that all proceedings in this litigation be stayed until February 18, 2011, or until a response is provided to Plaintiff with respect to her demand, whichever is earlier, with the parties to confer and report to the Court on any proposed further proceedings in the litigation within 30 days of the termination of the stay. *See, e.g., St. Clair Shores Gen. Emps. Ret. Sys. v. Eibeler*, No. 06-CV-688, 2006 WL 2849783, at *3 (S.D.N.Y. Oct. 4, 2006) (“[T]he SLC need

not meet any special burden of proof before a stay of derivative proceedings is warranted. Rather, the propriety of a stay is presumed under Delaware law.”).

5. Counsel for Plaintiff has stated that Plaintiff does not oppose this motion.

Accordingly, Defendants and Nominal Defendant hereby move the Court for a stay of all proceedings in this litigation until February 18, 2011, or until a response is provided to Plaintiff with respect to her demand, whichever is earlier, with the parties to confer and report to the Court on any proposed further proceedings in the litigation within 30 days of the termination of the stay.

Dated: October 18, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October, 2010, the foregoing was electronically filed using the CM/ECF system, which will send a notice of electronic filing to the below-listed recipients:

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